



Queensland

# Animal Care and Protection (Code of Practice for Breeding of Dogs) and Other Legislation Amendment Regulation 2017

## Subordinate Legislation 2017 No. 208

made under the

*Animal Care and Protection Act 2001*

*Animal Management (Cats and Dogs) Act 2008*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Animal Care and Protection (Code of Practice for Breeding of Dogs) and Other Legislation Amendment Regulation 2017*.

### **2 Commencement**

Part 2 commences on 1 October 2018.

## **Part 2 Amendment of Animal Care and Protection Regulation 2012**

### **3 Regulation amended**

This part amends the *Animal Care and Protection Regulation 2012*.

### **4 Amendment of s 2 (Provisions made as codes of practice)**

Section 2(1)—

*insert*—

(d) schedule 3A.

### **5 Amendment of s 4 (Relationship between particular codes of practice)**

Section 4(1)(a), ‘or schedule 2 or schedule 3’—

*omit, insert*—

, 2, 3 or 3A

## 6 Insertion of new s 5A

After section 5—

*insert—*

### 5A Requirement to keep particular records for breeding dog

- (1) This section applies if—
  - (a) breeding dogs are usually kept at premises; and
  - (b) 5 or more of the breeding dogs are female.
- (2) A person in charge of each breeding dog usually kept at the premises must ensure—
  - (a) the relevant information for the dog is recorded, in writing, within 7 days after the information comes into existence for the dog; and
  - (b) the record of the relevant information is kept for 3 years after the later of the following—
    - (i) the dog is last used for breeding;
    - (ii) the dog is no longer kept for breeding.

Maximum penalty—20 penalty units.

- (3) However, subsection (2) does not apply if the premises at which the breeding dog is usually kept are—
  - (a) a pound or shelter within the meaning of the *Animal Management (Cats and Dogs) Act 2008*, schedule 2; or
  - (b) a veterinary surgery to the extent the surgery provides shelter for a dog that is homeless, lost or stray.
- (4) In this section—

**breeding**, in relation to an undesexed dog, see schedule 3A, section 1.

**breeding dog** see schedule 3A, section 1.

**PPID number** see the *Animal Management (Cats and Dogs) Act 2008*, schedule 2.

**relevant information**, for a breeding dog, means the following information—

- (a) the dog's date of birth, if known, or the estimated date of the dog's birth;
- (b) the dog's name;
- (c) the name and date of birth of the dog's parents, if known;
- (d) the PPID number for the dog or the certificate mentioned in the *Animal Management (Cats and Dogs) Act 2008*, section 14(2)(a) for the dog;
- (e) information about any ill-health of the dog;
- (f) any written approval mentioned in schedule 3A, section 10(1)(b) or (3) or 13(2) for the dog;
- (g) for any veterinary treatment received by the dog—
  - (i) the name of the veterinary surgeon giving the treatment; and
  - (ii) the advice from the consultation with the veterinary surgeon; and
  - (iii) the type of veterinary treatment provided; and
  - (iv) the results of the treatment;
- (h) for each mating of the dog—
  - (i) the name of the other dog with which it is mated and the PPID number for the other dog; and
  - (ii) the date of each mating;

- (i) the date of each whelping of the dog;
- (j) for each litter of the dog—
  - (i) the number of living puppies; and
  - (ii) the number of stillborn puppies;
- (k) the date of the dog's death and, if known, the cause of death.

*undesexed dog* see schedule 3A, section 1.

*veterinary surgery* see the *Animal Management (Cats and Dogs) Act 2008*, schedule 2.

## 7 Insertion of new sch 3A

After schedule 3—

*insert—*

### **Schedule 3A Code of practice for breeding of dogs**

section 2(1)(d)

*Note—*

For the prohibition of cruelty to animals, see section 18 of the Act.

## **Part 1 Preliminary**

### **1 Definitions for schedule**

In this schedule—

*breeding*, in relation to an undesexed dog—

- (a) means mating the dog with another undesexed dog; and

(b) for a female dog—includes whelping.

**breeding dog** means an undesexed dog kept or used for breeding.

**desex** see the *Animal Management (Cats and Dogs) Act 2008*, schedule 2.

**dog** means an animal of the species *Canis lupus familiaris*, or domestic dog.

**relevant puppy** see section 2.

**undesexed dog** means a dog that has not been desexed.

**whelp** means to give birth.

## 2 Meaning of **relevant puppy**

A puppy is a **relevant puppy** until the earlier of the following—

- (a) it is 6 months old;
- (b) it is supplied to a person and the person takes custody of it.

# Part 2 Accommodation requirements

## 3 Housing

A person in charge of premises used for keeping a breeding dog or a relevant puppy must ensure the dog or puppy is provided housing that is designed, constructed and maintained for its welfare.

## 4 Whelping

- (1) This section applies if a female breeding dog is whelping.

- (2) A person in charge of the breeding dog must ensure it is provided with an area that is isolated from other animals.

## **5 Exercise area**

A person in charge of premises used for keeping a breeding dog or a relevant puppy must ensure the dog or puppy is provided an area to exercise that is designed and maintained for its welfare.

# **Part 3 Food and water requirements**

## **6 Access to food**

- (1) A person in charge of a breeding dog or a relevant puppy must ensure the following—
  - (a) the breeding dog has access to food at least once in each 24-hour period;
  - (b) if the puppy is weaned from its mother—the puppy has access to food at least once in each 12-hour period.
- (2) The person must also ensure the food is adequate—
  - (a) to keep the breeding dog or relevant puppy in good health; and
  - (b) to meet the physiological needs of the breeding dog or relevant puppy, including any increased physiological needs because of pregnancy or lactation.

## **7 Access to water**

A person in charge of a breeding dog or a relevant





*Examples of other enrichment—*

- being exercised
- playing with other dogs or puppies
- engaging in recreational feeding activities
- using recreational feeding devices or toys

## **Part 5                    Other requirements**

### **10 Breeding**

- (1) A person in charge of an undesexed female dog must ensure the dog is not used for breeding unless—
  - (a) the dog is—
    - (i) physically mature; and
    - (ii) fit and healthy; or
  - (b) the person has written approval by a veterinary surgeon that the dog has been examined by the veterinary surgeon, and the veterinary surgeon reasonably considers the dog is ready for breeding.
- (2) A person in charge of an undesexed dog must ensure the dog is not used for breeding with—
  - (a) the dog's progeny; or
  - (b) a parent or sibling of the dog.
- (3) A person in charge of an undesexed dog displaying, or diagnosed with, a deleterious heritable condition must ensure the dog is not used for breeding, unless the person has written approval of a veterinary surgeon or a relevant geneticist.
- (4) In this section—

*deleterious heritable condition*, for a dog, means

a health condition of the dog that—

- (a) is heritable; and
- (b) if inherited by the progeny of the dog, may adversely affect the progeny's welfare.

*Examples of a deleterious heritable condition—*

brachycephalic syndrome, epilepsy, degenerative myelopathy, hip dysplasia, urinary bladder stones

***physically mature***, for a female dog, means the dog has attained adult body size and weight that are consistent with the dog's breed or, if the dog is a mixed breed, the dog's dominant breed.

***relevant geneticist*** means a person who—

- (a) holds a degree from a university in the science of animal genetics; and
- (b) specialises in canine genetics.

## 11 Health inspections

A person in charge of a breeding dog or a relevant puppy must ensure the dog or puppy is inspected, at least once a day, to assess its health and wellbeing.

## 12 Veterinary treatment

- (1) A person in charge of a female dog must seek veterinary treatment for the dog as soon as practicable after the person becomes aware of any of the following—
  - (a) a reproductive organ, or part of a reproductive organ, of the dog has a discharge that is abnormal;

*Example of a reproductive organ—*

mammary gland, vulva

- (b) the dog has an inflamed or ulcerated mammary gland;
- (c) if the dog is whelping—the whelping appears to be proceeding in a way that is detrimental to the welfare of the dog or a puppy of the dog;
- (d) if the dog is lactating, the dog is—
  - (i) losing weight excessively or rapidly; or
  - (ii) behaving abnormally for a dog that is lactating.

*Examples of abnormal behaviour for a lactating dog—*

- avoiding physical contact with its puppies
- shivering or displaying muscle tremors

- (2) Also, a person in charge of a relevant puppy must seek veterinary treatment for the puppy as soon as practicable after the person becomes aware of any of the following—

- (a) the puppy is not gaining weight that is adequate for the age and breed of the puppy;
- (b) the puppy has an abnormality, defect or deformity that is likely to have a significant impact on its welfare;

*Example of an abnormality, defect or deformity—*

a cleft palate

- (c) the puppy appears to be otherwise sick, weak or injured.

### 13 Communicable diseases

- (1) This section applies if a breeding dog (the *infectious dog*) or a relevant puppy (also the *infectious dog*) has, or appears to have, a disease that is communicable to another dog.



- (d) the Queensland Racing Integrity Commission established under the *Racing Integrity Act 2016*.

#### ENDNOTES

- 1 Made by the Governor in Council on 5 October 2017.
- 2 Notified on the Queensland legislation website on 6 October 2017.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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